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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,087	11/25/2003	Glyn C. Livermore	136846SV/YOD GEMS:0246	7906
68174	7590	11/18/2008	EXAMINER	
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P.O. BOX 692289				
HOUSTON, TX 77269-2289				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/723,087

**Applicant(s)**

LIVERMORE ET AL.

**Examiner**

SAKET K. DAFTUAR

**Art Unit**

2451

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

***Response to Amendment***

1. This office action is responsive to the amendment filed on September 25<sup>th</sup>, 2008. Claims 1-16 are presented for the further examination.

***Response to Arguments***

2. Applicant's arguments filed on September 25<sup>th</sup>, 2008 have been fully considered but they are not persuasive. As per arguments filed, applicant continues to argue in substance that:

- a. Zur failed to disclose or suggest gathering information about the imaging system environment.

In response to applicant argument a), Zur's invention is related to a system for management of X-ray imaging facilities and services including at least one digital x-ray imaging. Applicant assigned representative argues that Zur reference is not pertinent art because Zur's reference is not related to imaging system environment and argues that specification discloses environmental conditions such as temperature and/or humidity. However, independent claim 1 fails to disclose such subject matters. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Independent claim 1 only discloses about reviewing information regarding an image system environment at a remote location and activating the image system based on the information regarding the image system environment. It is clear

from Zur's abstract that such imaging system environment could be a digital X-ray imaging. Therefore, applicant arguments are not persuasive.

b. Zur failed to disclose or suggest "wherein information regarding the imaging system environment comprises at least one of a video, one or more images, an audible indicator, a textual message, a temperature, or a humidity and further failed to comprises one or more indicia of the presence of a person and one or more indicia of the position of a moving component as disclosed in claims 2, 3, and 4, respectively.

In response to applicant argument b), Zur does disclose or suggest wherein information regarding the imaging system environment comprises at least one of a video, one or more images, an audible indicator, a textual message, a temperature, or a humidity. Zur discloses an X-ray image (see abstract) that clearly falls under "image category". Applicant continues to argue that Zur failed to disclose one or more indicia of the presence of a person and one or more indicia of the position of a moving component. One skilled in the art would know X-ray imaging system, as it is clear from figures 1-2, must have a presence of a "person" to obtain an X-ray image of that person and, second in order to obtain an X-ray image, one must adjust or move the position the X-ray image system accordingly to obtain the required X-ray image. Therefore, applicant arguments are not persuasive and therefore, the rejection is maintained.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Zur et al. US Patent Number 6,178,225 B1 (hereinafter Zur).

As per claim 1, Zur discloses reviewing information regarding an imaging system environment at a remote location (see Abstract, Figure 1, column 1, line 42 - column 2, line 24); and activating the imaging system from the remote location based on the information regarding the imaging system environment(see Abstract, Figure 1, column 1, line 42 - column 2, line 34 and column 3,line 20- column 4, line 18) .

As per claim 2, Zur discloses information regarding the imaging system environment comprises at least one of a video, one or more images, an audible indicator, a textual message, a temperature, or a humidity (see Abstract, Figure 1, column 1, line 42 - column 2, line 34 and column 3,line 20- column 4, line 18 and column 6, lines 18-33 and column 6 ,lines 51-57) .

As per claim 3, Zur discloses information regarding the imaging system environment comprises one or more indicia of the presence of a person(see Abstract, Figure 1, column 1, line 42 - column 2, line 34 and column 3,line 20- column 4, line 18) .

As per claim 4, Zur discloses information regarding the imaging system environment comprises one or more indicia of the position of a moving component of the imaging system(see Abstract, Figure 1, column 1, line 42 - column 2, line 34 and column 3,line 20- column 4, line 18) .

As per claim 5, Zur discloses providing information comprises transmitting the information over at least one of a network and a dedicated line(see Abstract, Figure 1, column 1, line 42 - column 2, line 34 and column 3,line 20- column 4, line 18 and column 6, lines 18-33) .

As per claim 6, Zur discloses the remote location is a remote service facility(see Abstract, Figure 1, column 1, line 42 - column 2, line 34 and column 3,line 20- column 4, line 18 and column 6, lines 18-33 and column 6 ,lines 51-57).

As per claim 7, Zur discloses the imaging system comprises one of a CT imaging system, an MR imaging system, an EBT imaging system, a tomosynthesis imaging system, a PET imaging system, and a digital X-ray imaging system(see Abstract, Figure 1, column 1, line 42 - column 2, line 34 and column 3,line 20- column 4, line 18).

As per claim 8, Zur discloses acquiring the information regarding the imaging system environment from at least one of a local operator and one or more local sensors(see Abstract, Figure 1, column 1, line 42 - column 2, line 34 and column 3,line 20- column 4, line 18 and column 6, lines 18-33 and column 6 ,lines 51-57) .

As per claim 9, Zur discloses the one or more local sensors comprise a video camera, a web cam, a still camera, a microphone, a thermometer, a thermocouple, a pressure sensor, and a hygrometer (see Abstract, Figure 1, column 1, line 42 - column 2, line 34 and column 3, line 20- column 4, line 18 and column 6, lines 18-33 and column 6, lines 51-57).

As per claim 10-16, they do not teach or further define over the limitation as recited in claims 1-9. Therefore, claims 10-16 are rejected under same scope as discussed in claims 1-9, *supra*.

### Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Method and apparatus for overcoming the limitations of camera angle in video conferencing applications *by Runcie et al. U.S. Patent Number 6,753,900 B2*.

b. Patient-driven medical data processing system and method *by Sabol et al. U.S. Publication Number 2004/0122707 A1*.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saket K. Daftuar whose telephone number is 571-272-8363. The examiner can normally be reached on 8:30am-5:00pm M-W.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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Art Unit: 2451

/S. K. D./

Examiner, Art Unit 2451

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2451